

# GENERAL STATUTES

OF

# MINNESOTA

1913

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disposed of at the place named in said affidavit; and if it shall appear as the result of such examination that intoxicating liquor has been illegally sold or disposed of at such place, such justice of the peace or judge of such court shall forthwith issue a warrant for the arrest of any person or persons who shall appear by such examination to have been guilty of such illegal sale or disposition; and such person shall thereupon be prosecuted for such offense. No testimony given upon such hearing shall be in any manner used to the prejudice of the witness giving the same, and the failure of any witness to answer questions put to him upon such examination may be punished as a contempt the same as in other cases. ('05 c. 192 § 1)

#### CIVIL ACTIONS

**3200. Action for injuries caused by intoxication**—Every husband, wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or by the intoxication of any person, shall have a right of action, in his or her own name, against any person, who shall by illegally selling, bartering, or giving intoxicating liquors, have caused the intoxication of such person, for all damages sustained; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parent, guardian, or next friend, as the court shall direct; and all suits for damages under this act shall be by civil action in any of the courts of this state having jurisdiction thereof. ('11 c. 175 § 1)

### CHAPTER 16A

#### CIGARETTES

**3201. Sale to minors forbidden**—That it shall be unlawful for any person and any clerk, servant, employee or agent of any person, directly or indirectly, upon any pretense or by any device to sell, exchange, barter, dispose of or give away to any minor any cigarettes, cigarette paper or cigarette wrappers or any paper made or prepared for the purpose of being filled with tobacco for smoking or any tobacco prepared for smoking in the form of cigarettes. ('13 c. 580 § 1)

This act impliedly repeals '09 c. 194, prohibiting the gift or sale, which is therefore omitted from this compilation.

**3202. Penalty for violation**—Any person violating the provisions of section 1 [3201] of this act shall be guilty of a misdemeanor and upon first conviction for such violation shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or imprisonment in the county jail for not less than fifteen days, nor more than sixty days, or both such fine and imprisonment and costs; and upon second conviction for violation of any of said provisions shall be punished by imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, and his license shall then be terminated as hereinafter provided. ('13 c. 580 § 2)

**3203. Smoking by minors prohibited**—The smoking of cigarettes within this state by any minor is hereby prohibited. ('13 c. 580 § 3)

**3204. Penalty for violation**—Any person violating the provisions of section 3 [3203] of this act shall be guilty of a misdemeanor, and upon conviction for such violation shall be punished by a fine of not more than ten dollars, in the discretion of the court and upon second conviction for violation of the provisions of said section 3 [3203] shall be punished by imprisonment in the county jail for not more than five (5) days in the discretion of the court. ('13 c. 580 § 4)

**3205. Unlicensed sale, etc., forbidden**—That it shall be unlawful for any person and any clerk, servant, employee or agent of any person directly or indirectly, upon any pretense, or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco without first obtaining a license therefor, as hereinafter provided. ('13 c. 580 § 5)

3206. **License, how granted—Term—**Licenses for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes, cigarette paper or cigarette wrappers made or prepared for the purpose of being filled with tobacco for smoking, may be granted by the council of the municipality wherein such right is sought to be exercised, or if outside of a municipality, by the county board. Every such license shall continue for a period of two years from its date unless sooner revoked for a violation of this or subsequent laws and shall name the licensee and the place wherein he is authorized to conduct such business. And the fee for such license shall be \$25.00. ('13 c. 580 § 6)

3207. **Application for license—**Every person desiring a license under this act shall file with the clerk or recording officer of the municipality, or if such license is desired outside of a municipality with the county auditor, a written application therefor stating the person, for whom, and place for which it is desired and shall deposit therewith the amount of the license fee. ('13 c. 580 § 7)

3208. **Transfer of license—**In case of a change of ownership in any licensed location the authority granting the license may authorize it transferred to the new owner. ('13 c. 580 § 8)

3209. **Penalty for violation—**Any person violating any of the provisions of this act except as herein provided for violation of sections 1 and 3 [3201, 3203], hereof, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars, or imprisoned in the county jail for not to exceed sixty (60) days, or both such fine and imprisonment for each and every violation hereof. ('13 c. 580 § 9)

3210. **State dairy and food commissioner—Powers and duties—**The state dairy and food commissioner, his assistants and employees, shall enforce the provisions of this act and in so doing shall have all the powers and authority with relation thereto that are conferred upon them and each of them by chapter 21, Revised Laws 1905; and the provisions of section 1736, 1776, 1777, 1778 and 1779, Revised Laws 1905 [3640, 3745-3748], shall be deemed a part hereof in the enforcement of this act and accomplishment of its purposes. ('13 c. 580 § 10)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

3211. **Fines and fees, how disposed of—**All moneys collected as fines and fees under the provisions of this act shall be divided, one-half to the common school fund of the district wherein the conviction is had, and one-half to the person through whose information the conviction is had. ('13 c. 580 § 11)

3212. **Second conviction—Termination of license—**A second conviction under this act shall immediately terminate the license of the person so convicted, and such person shall not be entitled to another license hereunder for a period of five years thereafter. ('13 c. 580 § 12)

3213. **Acts repealed—**All acts and parts of acts inconsistent with this act are hereby repealed. ('13 c. 580 § 13)

## CHAPTER 17

### BASTARDS

3214. **Complaint—Warrant—**On complaint being made to a justice of the peace by any woman who is delivered of a bastard child, or pregnant with a child which, if born alive, might be a bastard, accusing any person of being the father of such child, the justice shall take the complaint in writing, under her oath, and thereupon shall issue his warrant, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before him to answer such complaint; which warrant may be executed anywhere within the state. (1567)

Requisites of complaint (29-132, 12+347; 47-475, 50+605; 81-501, 84+340). Requisites of warrant (46-343, 49+54). Nature and object of act and proceedings thereunder (23-1; 29-132, 12+347; 35-238, 28+501; 41-196, 42+933; 72-415, 75+725; 94-177, 102+204).